IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.13452 of 2004

Between:

Smt. Geetha Rani

W/o Ramesh, Aged: 40 years,

Occ: Mashalchi, Court of Senior Civil Judge,
Kamareddy (on leave),

R/o H.No.10-2-93, Shivaji Nagar,

Near Sri Krishna Geetha Bhavan,

Nizamabad.

..... PETITIONER

AND

1 District and Sessions Judge,

Nizamabad
2 Senior Civil Judge,

Kamareddy, Nizamabad

3 Registrar (Administration)

High Court of A.P.,

Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order, direction or Writ specially one in the nature of Writ of Mandamus directing Respondent No.1 to retransfer the petitioner to District and Sessions Court Nizamabad as Mashalchi, declaring the action of Respondent No.1 in transfering the petitioner to the Court of Senior Civil Judge, Kamareddy, Nizamabad as illegal, and untenable

For the Petitioner :Mr. A.BICHAIAH, Advocate.

For the Respondents No.1 to 3 : Mr. C.V.NAGARJUNA REDDY

Standing counsel for High Court

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Order of transferring the petitioner from the establishment of the Court of District and Sessions Judge, Nizamabad, to the establishment of the Court of Senior Civil Judge, Kamareddy, Nizamabad, is under challenge in this writ petition. Petitioner is working as masalchi and is not under regular employment but is a full-time scavenger paid from the contingency fund. There is no power vested to transfer such contingent employees from one place to other against their wish especially when there is no provision to pay transfer allowance or other compensatory allowance. In case respondents feel that petitioner is not attending to the duties diligently, there is no reason why the respondents will not take appropriate steps in relieving her of the duties, of course, after apprising her of the discrepancies in her work and conduct. Necessarily such an order of transfer from one place to other can be resorted to in respect of regular employees who are bound by service conditions and transfer is the incidence of service, but contingent employees cannot be ordered to be transferred. In case respondents are not satisfied with the conduct and work of the petitioner, they are at liberty to initiate appropriate proceedings in accordance with law.

Accordingly, the writ petition is allowed and the impugned order is set aside with direction to continue the petitioner in case she had been in employment after passing of the impugned order. Liberty is reserved to the respondents to take whatever necessary action, otherwise permissible, against the petitioner, in accordance with law.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

15-09-2004

bsc

To

1. The District and Sessions Judge,

Nizamabad
2. The Senior Civil Judge,

Kamareddy, Nizamabad District.
3. The Registrar (Administration)

High Court of A.P.,

Hyderabad.

4. The Section Officer, Legal Cell, High Court of A.P., Hyderabad.

5. The Section Officer, D-Section, High Court of A.P., Hyderabad.

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